

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANNA PATRICK, DOUGLAS MORRILL,
ROSEANNE MORRILL, LEISA GARRETT,
ROBERT NIXON, SAMANTHA NIXON,
DAVID BOTTONFIELD, ROSEMARIE
BOTTONFIELD, TASHA RYAN, ROGELIO
VARGAS, MARILYN DEWEY, PETER
ROLLINS, RACHAEL ROLLINS,
KATRINA BENNY, SARA ERICKSON,
GREG LARSON, and JAMES KING,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

DAVID L. RAMSEY, III, individually;
HAPPY HOUR MEDIA GROUP, LLC, a
Washington limited liability company; THE
LAMPO GROUP, LLC, a Tennessee limited
liability company,

Defendants.

Case No. 2:23-cv-00630

**DECLARATION OF GREGORY W.
ALBERT IN OPPOSITION TO
DEFENDANT HAPPY HOUR MEDIA
GROUP'S MOTION TO DISMISS THE
COMPLAINT**

1 My name is Gregory W. Albert. My Washington State Bar Association Number is
2 42573. I am over the age of eighteen years and make this declaration under penalty of perjury.

- 3
- 4 1. I was class counsel for the certified class in *Adolph v. Reed Hein & Associates et al.*,
5 United States District Court, Western District of Washington, Case No. 2:21-cv-1378-
6 BJR.
- 7 2. I participated in mediation during that case. During and around mediation sessions in that
8 case, the *Adolph* parties negotiated a settlement agreement, settling the class's claims
9 against Reed Hein, Makaymax, and Brandon Reed in exchange for an assignment of rights
10 to certain claims against other parties. Happy Hour Media Group ("Happy Hour") did not
11 participate in those mediation sessions and negotiations. No one acting on Happy Hour's
12 behalf participated in the mediation nor in the settlement negotiations.
- 13 3. Resultingly, no one acting on behalf of Happy Hour signed any settlement documents.
- 14 4. The *Adolph* parties participated in multiple proceedings regarding the fairness and
15 propriety of the settlement agreement they had negotiated, including hearings on
16 preliminary and final approval of that settlement. Happy Hour as not mentioned in any of
17 those proceedings.
- 18 5. During the negotiations and subsequent proceedings seeking approval of the settlement,
19 neither Mr. Reed nor his counsel informed the *Adolph* class or the court that he was seeking
20 the release of claims against Happy Hour, a solvent third-party, for that Happy Hour's own
21 independent tortious acts against members of the class.
- 22 6. Happy Hour did not seek to participate or intervene in the case in any other way. It did not
23 appear at the fairness hearing or any other proceedings in the *Adolph* case and did not file
any documents in support of or in opposition to the *Adolph* settlement.
7. Attached to this declaration are true and correct copies the following pleadings and filings
from the *Adolph* case:

- a. Dkt. No. 1, the complaint, attached to this declaration as **Exhibit 1**;
- b. Dkt. No. 24, Plaintiff's unopposed motion for 1) preliminary approval of class action settlement, 2) direction of notice to class members, and 3) a fairness hearing date, attached to this declaration as **Exhibit 2**;
- c. Dkt. No. 25, the declaration of Gregory Albert in support of motion for preliminary settlement approval, attached to this declaration as **Exhibit 3**;
- d. Dkt. No. 25-3, the email notification approved by the *Adolph* court, attached to this declaration as **Exhibit 4**;
- e. Dkt. No. 25-4, the long-form notice approved by the *Adolph* court, attached to this declaration as **Exhibit 5**;
- f. Dkt. No. 25-5, the short-form notice approved by the *Adolph* court, attached to this declaration as **Exhibit 6**;
- g. Dkt. No. 26, the declaration of Brandon Reed, attached to this declaration as **Exhibit 7**;
- h. Dkt. No. 27, the order granting preliminary approval of class settlement, attached to this declaration as **Exhibit 8**;
- i. Dkt. No. 41-1, the CR2A stipulation and settlement agreement, attached to this declaration as **Exhibit 9**;
- j. Dkt. No. 41-2, the confession of judgment and judgment with covenant not to execute, attached to this declaration as **Exhibit 10**;
8. A true and correct copy of the November 2, 2015 Letter of Caution from the North Carolina State Bar Authorized Practice Committee to Reed Hein & Associates is attached to this declaration as **Exhibit 11**.
9. True and correct copies of North Carolina General Statutes Section 84-2.1, 84-37, 84-4, and 84-5 are compiled in and attached to this declaration as **Exhibit 12**.

DATED this 22nd day of January, 2024.

By: s/ Gregory W. Albert

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